

THE CITY OF CLAYTON

Board of Aldermen Meeting
City Hall – 10 N. Bemiston Avenue
December 11, 2012
7:10 p.m.

Minutes

Mayor Goldstein called the meeting to order and requested a roll call. The following individuals were in attendance:

Aldermen: Michelle Harris, Andrea Maddox-Dallas, Cynthia Garnholz, Mark Winings, Joanne Boulton, and Alex Berger III.

Mayor Goldstein
City Manager Owens
City Attorney O'Keefe

Mayor Goldstein asked for any questions or comments relating to the November 27, 2012 minutes, which were previously provided to the Board.

Alderman Garnholz moved to approve the November 27, 2012 minutes. Alderman Maddox-Dallas seconded the motion.

City Clerk June Waters confirmed she received edits from Alderman Boulton and the minutes have been updated with the revisions.

The motion to approve the minutes passed unanimously on a voice vote.

PUBLIC REQUESTS AND PETITIONS

None

Mayor Goldstein announced a change in the agenda due to Aldermen Harris' request to be excused early from the meeting.

A RESOLUTION TO CONSIDER APPROVING THE NAMING OF THE PROPERTY ACQUIRED AT HADDINGTON COURT

City Manager Owens reported that earlier this year the City of Clayton determined that they were interested in utilizing the property located at Haddington Court in the southwest area of Clayton that was recently acquired through a Federal Emergency Management Agency (FEMA) flood buyout grant to serve as a site for a dog park for use by residents of Clayton. At that time it was determined that, if this project were to move forward, the capital costs would need to be covered through private donations. The Clayton Century Foundation (CCF) began soliciting donations. It is estimated that the cost of construction will be \$80,000.

Recently, a private donor approached the city and indicated that they would be interested in making a donation of \$50,000 to fund this project. In recognition of that donation they have requested that the park be named the "Lynne W. and David C. Anderson Park" to be known as the "Anderson Park". They have asked that this be designated as such for a minimum of 50 years.

Per the Board's adopted policy on donations and naming rights, this request was forwarded to the Parks and Recreation Commission for review. The Commission considered this request at their December 3, 2012 meeting and voted in support of the application.

This request for naming falls under section 6B of the City of Clayton Donations, Sponsorships and Facility Naming which reads "Naming of a facility for a specific individual or corporation will only be considered if that individual or corporation has made a significant contribution to the City of Clayton. Such contribution may be in the form of outstanding civic service over a prolonged period of time or donation of substantial property or funds for the acquisition/development of the facility."

According to the City's Facility Naming Policy the next step is for the Mayor and Board of Aldermen to formally consider this request and take action if so determined.

Other conditions of acceptance of this gift and the vehicle for this donation will need to be determined in the coming weeks as the donors are interested in making this donation prior to the end of 2012. If the donation will be made directly to the CCF, the details of an agreement will need to be worked out between the donor and the CCF. In addition to that, a Project Agreement between the City and CCF which will include both this donation as well as the additional funds that have been raised for this project as well as any other conditions of acceptance will need to be developed.

Staff recommendation is to consider the resolution authorizing the naming of the recently acquired property, located in the Clayshire Subdivision, to be designated "Lynn W. and David C. Anderson Park", more commonly to be known as "Anderson Park".

Alderman Harris moved to approve Resolution No. 12-38 to consider naming Haddington Court the "Lynne W. and David C. Anderson Park". Alderman Maddox-Dallas seconded.

Mayor Goldstein acknowledged that several representatives of the dog park task force were in the audience. She complimented the group for their commitment to already raising \$40,000 to date for the park.

Mayor Goldstein commented that when she first began as an elected official, about 14 years ago, one of the first items up for discussion was to find a location for a dog park. Throughout those years the City has looked at possible sites such as Wydown Park, Oak Knoll Park, Shaw Park, and even a location on Concordia Seminary's property, but unfortunately none of those sites worked. Then the opportunity for a potential site came for Haddington Court property with the help of the FEMA buyout. She complimented the dog park group on their continued enthusiasm, energy and assistance for all of their efforts in keeping the initiative going.

Alderman Harris commented that this is a great example of an opportunity that has turned into a good thing for the community.

Alderman Garnholz commented that this is a very generous donation.

The motion passed unanimously on a voice vote.

Alderman Harris excused herself from the meeting at 7:15 p.m.

A PUBLIC HEARING AND ORDINANCE TO CONSIDER A SUBDIVISION PLAT/LOT CONSOLIDATION FOR 1 – 12 HADDINGTON COURT

Alderman Maddox-Dallas moved to open the public hearing to consider Bill No. 6368, a lot consolidation for Haddington Court and request proof of publication. Alderman Garnholz seconded.

The motion passed unanimously on a voice vote.

City Manager Owens reported that this is a public hearing and subsequent ordinance to consider approving a subdivision plat for the consolidation of twelve existing lots.

On November 5, 2012, the City of Clayton received an application, plat and supporting documents from Patty DeForrest, Director of Parks & Recreation on behalf of the City of Clayton, owner of properties at 1 through 12 Haddington Court, requesting consolidation of twelve (12) existing R-2 lots.

The Plan Commission considered this request at its November 19, 2012 meeting and voted unanimously to recommend approval. Recommendation is to approve the request for lot consolidation.

Alderman Maddox-Dallas moved to close the public hearing to consider Bill No. 6368, a lot consolidation for Haddington Court. Alderman Garnholz seconded.

The motion passed unanimously on a voice vote.

Alderman Maddox-Dallas introduced Bill No. 6368, a lot consolidation for Haddington Court to be read for the first time by title only. Alderman Garnholz seconded.

City Attorney O'Keefe reads Bill No. 6368, an ordinance providing for the approval of a plat to consolidate certain property located in the City of Clayton, Missouri for the first time by title only.

The motion passed unanimously on a voice vote.

Alderman Maddox-Dallas introduced Bill No. 6368, a lot consolidation for Haddington Court to be read for the second time by title only. Alderman Garnholz seconded.

City Attorney O'Keefe reads Bill No. 6368 for the second time; Alderman Maddox-Dallas – Aye; Alderman Garnholz – Aye; Alderman Winings – Aye; Alderman Boulton – Aye; Alderman Berger – Aye; and Mayor Goldstein – Aye. The Bill was adopted and became Ordinance No. 6248 of the City of Clayton.

A PUBLIC HEARING AND RESOLUTION TO CONSIDER APPROVING A CONDITIONAL USE PERMIT FOR 7600 WYDOWN BOULEVARD – Z PIZZA

Alderman Maddox-Dallas moved to open the public hearing to consider Resolution No. 12-36, a request for a Conditional Use Permit for Z Pizza located at 7600 Wydown Boulevard and request proof of publication. Alderman Garnholz seconded.

The motion passed unanimously on a voice vote.

City Manager Owens reported that this is a public hearing and resolution to consider approving a Conditional Use Permit for the operation of a restaurant to be known as Z Pizza at the subject location.

Z Pizza proposes to occupy the 1,200 square foot tenant space formerly occupied by Tip Top Cleaners. Seating for 16 patrons inside the restaurant will be provided. The outdoor dining area proposes to accommodate an additional 16 patrons, for total customer seating of 32. Eat in, carry out and delivery services are being proposed. The applicant intends to do all customer deliveries by electric bicycle, weather permitting. Vehicular deliveries will be done during inclement weather.

The restaurant will primarily serve pizza, pasta, sandwiches and salads. The applicant will also be requesting a liquor license for the sale of wine and beer.

The Plan Commission considered the request for the Conditional Use Permit at its November 19, 2012, meeting and voted unanimously to recommend approval to the Board of Aldermen. The Architectural Review Board unanimously approved the signage, exterior alterations and outdoor dining at its November 19, 2012, meeting.

Staff recommendation is to approve a Conditional Use Permit for the operation of Z Pizza at 7600 Wydown Boulevard.

In response to the Board's questions, Mr. Brent Miller, owner, addressed the Board stating that he and his wife have been residents of Clayton for one year and they really loved the neighborhood and wanted to start their restaurant in this location. He explained that the restaurant will offer delivery and that the deliveries will be made by electric bicycles. He added that the restaurant will be located in the former Tip Top Cleaners building and they plan on opening on April 1st.

Mayor Goldstein commented that the menu was appealing and the restaurant would be a good addition to the neighborhood.

Alderman Maddox-Dallas moved to close the public hearing with regard to Resolution No. 12-36, a request for a Conditional Use Permit for Z Pizza located at 7600 Wydown Boulevard. Alderman Garnholz seconded.

The motion passed unanimously on a voice vote.

Alderman Maddox-Dallas moved to approve Resolution No. 12-36, and grant a request for a Conditional Use Permit for Z Pizza located at 7600 Wydown Boulevard. Alderman Garnholz seconded.

Mayor Goldstein commented on the use of electric bicycles to deliver orders and how excitingly different this concept will be from the usual vehicle delivery service.

The motion passed unanimously on a voice vote.

CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING AWARD

City Manager Owens recognized the City for achieving the Certificate of Achievement for Excellence in Financial Reporting Award this year and noted that the City has received the award for the past 27 years. He explained that this award is for the City's comprehensive financial reporting and the audit report. He commended Janet Watson and her staff on doing a great job in achieving this recognition.

PARKS AND RECREATION ACCREDITATION AWARD

City Manager Owens announced that the City has a first, the Parks and Recreation Department has become an accredited agency with the Commission for Accreditation of Parks and Recreation Agencies (CAPRA). The Parks and Recreation Department worked very hard for the last two years by meeting strict compliances with a body of standards deemed essential to the quality of services delivered and professionalism of its operational system, as well as best management practices in daily operations. Craig commended both Patty DeForrest and Eric Gruenenfelder for their work in achieving this recognition. The City becomes the fourth agency in Missouri to receive this distinction, the second in the St. Louis Metropolitan area, and is now one of 109 accredited agencies across the United States.

AN ORDINANCE TO CONSIDER APPROVING THE EXECUTION OF A LEASE FOR # 1 OAK KNOLL PARK WITH THE CLAYTON EARLY CHILDHOOD

City Manager Owens reported that earlier this year the City of Clayton approved an assignment of the existing lease from the Clayton Child Center to the newly formed Clayton Early Childhood Center (CECC). An extension of the lease through the end of 2012 was approved shortly thereafter with the goal of entering into a new lease prior to 2013 that will become effective January 1, 2013. Recommendation is to approve the ordinance authorizing the execution of a lease between the City of Clayton and the Clayton Early Childhood Center for the property at #1 Oak Knoll Park.

Alderman Maddox-Dallas introduced Bill No. 6369 to consider approving a lease agreement with Clayton Early Childhood Center to be read for the first time by title only. Alderman Garnholz seconded.

Alderman Berger commended and thanked the staff for their work in making this happen.

Mayor Goldstein commented that she was really impressed by what the Early Childhood Center group of parents accomplished within the last year.

City Attorney O'Keefe reads Bill No. 6369, an ordinance providing for the execution of a lease for property located at #1 Oak Knoll Park with the Clayton Early Childhood Center for the first time by title only.

The motion passed unanimously on a voice vote.

Alderman Maddox-Dallas introduced Bill No. 6369 to consider approving a lease agreement with Clayton Early Childhood Center to be read for the second time by title only. Alderman Garnholz seconded.

City Attorney O'Keefe reads Bill No. 6369 for the second time; Alderman Maddox-Dallas – Aye; Alderman Garnholz – Aye; Alderman Winings – Aye; Alderman Boulton – Aye; Alderman Berger – Aye; and Mayor Goldstein – Aye. The Bill was adopted and became Ordinance No. 6249 of the City of Clayton.

AN ORDINANCE PROHIBITING DISTURBING FUNERAL AND BURIAL SERVICES

City Manager Owens reported that the Board of Aldermen adopted an ordinance prohibiting protests within three hundred feet of a funeral. The ordinance paralleled the existing state law and was enacted to prohibit protests at funerals of servicemen killed in action. The Westboro Baptist Church of Kansas filed a lawsuit challenging the state law as unconstitutional. The Missouri Court of Appeals issued a preliminary injunction against enforcement of the ordinance. In response, the

ACLU threatened to file suit against communities which had this ordinance. Therefore, the Board of Aldermen repealed the ordinance on September 8, 2009.

Recently, the Eighth United States Circuit Court of Appeals upheld a municipality's right to protect the mourners attending these funerals or burials from being subjected to these types of protests within 300 feet of the services within one hour before and one hour after such services. The ordinance for consideration falls within the dictates of the Court of Appeals. Recommendation is to approve the ordinance prohibiting protests at funerals.

Alderman Maddox-Dallas introduced Bill No. 6370 to consider approving an amendment to Chapter 215 regarding prohibiting disturbances at funeral and burial services to be read for the first time by title only. Alderman Garnholz seconded.

City Attorney O'Keefe reads Bill No. 6370, an ordinance amending Chapter 215 of the Clayton City Code to prohibit disturbing funeral and burial services for the first time by title only.

The motion passed unanimously on a voice vote.

Alderman Maddox-Dallas introduced Bill No. 6370 to consider a approving an amendment to Chapter 215 regarding prohibiting disturbances at funeral and burial services to be read for the second time by title only. Alderman Garnholz seconded.

City Attorney O'Keefe reads Bill No. 6370 for the second time; Alderman Maddox-Dallas – Aye; Alderman Garnholz – Aye; Alderman Winings – Aye; Alderman Boulton – Aye; Alderman Berger – Aye; and Mayor Goldstein – Aye. The Bill was adopted and became Ordinance No. 6250 of the City of Clayton.

A RESOLUTION TO CONSIDER APPROVING THE NAMING OF THE NEW NATURE GARDEN LOCATED IN THE NORTH END OF SHAW PARK

City Manager Owens reported that the Clayton Century Foundation submitted an application to the City Clerk requesting that the city consider naming the new nature garden located in the north end of Shaw Park as the Moneta Garden in recognition of their \$75,000. This donation will fund the garden as well as the associated art work that will be installed at the site.

Per the Board's adopted policy on donations and naming rights, this request was forwarded to the Parks and Recreation Commission for review. The Commission considered this request at their December 3, 2012 meeting and voted in support of the application. Recommendation is to approve the resolution.

Alderman Maddox-Dallas moved to approve Resolution No. 12-37 to consider naming the nature garden in Shaw Park the Moneta Garden. Alderman Garnholz seconded.

Mayor Goldstein commented that it is very appropriate to have these reminders of the great public/private partnerships that have been created as the City enters its next century.

The motion passed unanimously on a voice vote.

A RESOLUTION TO CONSIDER ACCEPTING THE DONATION OF FUNDS FROM THE CENTENE CORPORATION FOR THE PURCHASE OF FITNESS EQUIPMENT FOR USE AT THE HERITAGE BUILDING

City Manager Owens reported that as part of the design of the new Police Department, a new fitness center was designed for the use of the officers. Physical fitness is an important factor in the officers' ability to perform their duties. The Police Chief approached the Centene Corporation asking that they consider funding the purchase of new exercise equipment. They have agreed to fund this expenditure and have authorized the donation of \$42,875.00 to the City. It is the intent of this resolution to formalize the acceptance of this gift as is called for in the city's Donations, Sponsorships and Facility Naming Policy. In Section 3C of that policy it is stated that "The Board of Aldermen shall have authority to make a final decision whether to accept offers of donations to the City with a cumulative value over \$25,000".

Alderman Maddox-Dallas moved to approve Resolution No. 12-39 and accept the donation of funds from Centene Corporation for the purchase of fitness equipment for the Heritage Building. Alderman Garnholz seconded.

Alderman Berger commented that this is fabulous.

The motion passed unanimously on a voice vote.

A RESOLUTION TO SUPPORT THE CITIES OF RICHMOND HEIGHTS AND FRONTENAC FOR THE VETERAN'S MEMORIAL GAZEBO

City Manager Owens reported that at the September 11, 2012 Board of Aldermen meeting, Mr. Ken Heinz, citizen, businessman, and business resident of Clayton for 40 years gave a presentation on a proposed veteran's memorial project led by a group of volunteers. The memorial is in honor of all veterans and servicemen who served our country. The City of Richmond Heights has donated land for the placement of the memorial and the group is currently in the process of raising funds. Both Richmond Heights and Frontenac have jointly submitted an application to build a public park/gazebo shelter memorial, to be known as the Veteran's Memorial Gazebo, near the intersections of I-64 and Hanley Road. Recommendation is to approve the resolution.

Alderman Maddox-Dallas moved to approve Resolution No. 12-40 and support the cities of Richmond Heights and Frontenac for the proposed Veteran's Memorial Gazebo. Alderman Garnholz seconded.

The motion passed unanimously on a voice vote.

A MOTION TO APPROVE THE EXTENSION OF LIQUOR SALES HOURS FOR BAR LES FRERES AT 7637 WYDOWN BOULEVARD

City Manager Owens reported that Zoe 4, LLC had requested to extend Bar Les Freres' liquor sales hours to 1:00am on Sundays at 7637 Wydown Blvd. After review, staff discovered that they are already in compliance with their liquor license and do not require an extension. Therefore, no action from the Board of Aldermen is required.

APPOINTMENT TO THE CITY PLAN COMMISSION/ARCHITECTURAL REVIEW BOARD

City Manager Owens reported that a nomination/recommendation to appoint Sally Cohn to fill the vacancy on the Plan Commission/Architectural Review Board.

Alderman Maddox-Dallas moved to approve the appointment of Sally Cohn to the Plan Commission/ARB. Alderman Garnholz seconded.

Mayor Goldstein recapped that this position was an extensively advertised process and the City received a total of eight applications. The position is a very time consuming, volunteer job and for

those eight citizens to consider volunteering it is a very nice statement about how involved they are with the community. After a lot of thought, interviews, and research she is recommending Sally Cohn because of her extensive environmental background. Based on the resignation of Marc Lopata, who also had an environmental background, she will fill a role in the Plan Commission/ARB that is needed.

Mayor Goldstein clarified that Ms. Cohn's appointment is to fill the remaining term of Marc Lopata.

The motion passed unanimously on a voice vote.

Other

Mayor Goldstein reported that the Collaborative Board for the St. Louis County Economic Council met today. The County received a grant to do a Sustainable Development Code update which includes parking, landscaping, alternative energy, and form-based codes. Mayor Goldstein was really proud that the team was very complimentary of Clayton and what we have done of the years. Also, the County has written a municipal how-to manual for other municipalities that may need guidance and she felt it will be interesting to watch this effort, particularly in view of their upcoming project in the Clayton. The County's target for completion is 2013 and will share draft copies as they develop it along the way.

Mayor Goldstein recognized Aldermen Garnholz for recommending for Clayton to talk with the County with regard to the Downtown Master Plan with an emphasis on the area where the County will be building. The City Clerk is contacting a number of people to invite from the County to set-up a date and time for the presentation and meeting.

Mayor Goldstein also mentioned to the Collaborative Board and Denny Coleman that the Board of Aldermen will be studying first, the Maryland Gateway that's recognized in the Master Plan and next look at the area where the County is located and further define what they envision for that area while keeping them informed.

Alderman Boulton reported that she and Alderman Maddox-Dallas attended the Washington University presentation on their plans for the old CBC site. The University sent out 600 invitations and about 40 people attended. She said that it was a good meeting and great feedback from the community.

Aldermen Boulton and Maddox-Dallas announced that they have scheduled a meeting for C The Future-Livable Communities next Tuesday.

There being no further business the meeting adjourned at 7:40 p.m.

Mayor

ATTEST:

City Clerk